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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/807,595      | 07/11/2001  | Tebaldo Granata      |                     | 9689             |

7590 12/30/2003

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EXAMINER

TRAN, THUY VAN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3652

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/807,595

Applicant(s)

GRANATA, TEBALDO

Examiner

Thuy v. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art, Figure 1.

Figure 1 (the admitted prior art) discloses a vehicle lift comprising a plurality of vehicle lifting runways 112 & 114, a volumetric system including an operating fluid supply 124, a pair of main cylinders 116 & 118, and a pair of secondary cylinders 120 & 122 that cooperate to move the runways wherein the main cylinders receive fluid directly from the fluid supply 124 and each of the secondary cylinders received fluid from a respective one of the main cylinders.

Figure 1 discloses the pair of main cylinders disposed at one of the runways and the pair of secondary cylinders disposed at the other runway, instead of each runway includes one of the main cylinders and one of the secondary cylinders, as recited in claim 2.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to place one of the main cylinders and one of the secondary cylinders at each of the runways, since it has been held that rearranging parts of an invention involves only routine skill in the art.

### ***Response to Arguments***

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Applicant's arguments filed October 6, 2003 have been fully considered but they are not persuasive.

Applicant's arguments with respect to references 4,741,413 and 6,026,934 are moot since the previous rejection did not rely on those references.

Applicant argues that since each main cylinder of Figure 1 is connected to one secondary cylinder, if either the main or secondary cylinder were to be relocated that the main would be moved to its own secondary cylinder. The exchange location between one of the main cylinders and its secondary cylinder would be considered as rearranging of parts.

Applicant argues that there is no teaching that a secondary cylinder supplied by the main cylinder would be located on another lift than where its main was located. Figure 1 clearly shows, for example, a secondary 120 supplied by the main cylinder 116 being located on lift 114 than where its main cylinder 116 was located on lift 112.

Applicant argues that keeping a main cylinder together with its secondary would reduce the piping necessary. First, the argument is not recited in the claim. Secondly, Applicant's invention, Figure 2, clearly does not show a main cylinder together with its secondary locating on a same lift.

Applicant argues that the claimed invention is not simply a "rearranging" of parts since the invention achieves a balance in lifting that would not be achieved through Figure 1 design. There is no difference in balancing the lift between Figure 1 (admitted prior art) and current invention (Figure 2). More specifically, the cylinder arrangement of Figure 1 can provide the same balance to the lifts as in Figure 2. In

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other words, as one of the main cylinder and its secondary as shown in Figure 1 failed during an operation, each of the lifts (112, 114) still has one main cylinder and its secondary cylinder in order to provide balance to the lifting system.

Applicant further argues that there is no teaching of the cross-over connection between lifts of the main and secondary cylinders. Rather, one might think that each main would be connected to the secondary cylinder on its own lift. Figure 1 clearly shows otherwise.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy v. Tran whose telephone number is 703-308-2558. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

TVT (TVT)

  
EILEEN D. LILLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600